

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|-----------------------------|---|-----------------------------------|
| KIRSTEN BERG, |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| vs. |) | Civil Action No. 07-1393 |
| |) | Judge Nora Barry Fischer/ |
| AETNA FREIGHT LINES; |) | Magistrate Judge Amy Reynolds Hay |
| TRANSPORTATION INVESTMENTS, |) | |
| INC., |) | |
| |) | |
| Defendants |) | |

MEMORANDUM ORDER


On March 11, 2008, this case was referred to United States Magistrate Judge Amy Reynolds Hay for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On July 17, 2008, the Magistrate Judge issued a Report and Recommendation (Doc. 21) regarding Defendants' Motion to Dismiss the Complaint (Doc. 7). The Magistrate Judge recommended that the District Court deny this Motion. Service of the Report and Recommendation was made on the parties. On August 4, 2008, the Defendants filed Objections (Doc. 22) to the Report and Recommendation. The Plaintiff's Response (Doc. 23) was filed on August 14, 2008.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 19th day of August, 2008, IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss the Complaint (Doc. 7) is **DENIED**.

The Report and Recommendation of Magistrate Judge Amy Reynolds Hay dated July 17, 2008 (Doc. 21) is hereby adopted as the opinion of the Court.


Nora Barry Fischer
United States District Judge

cc:

Magistrate Judge Hay

Counsel of Record
Via Electronic Mail